

REMARKS

Applicants elect a. ground cells, immobilized cells, lyophilized cells, or resting cells examination on the merits. Claims 1-11 read on the elected species.

Rhodococcus erythropolis NCIMB 11540 was deposited October 12, 1979 in an International Depositary Authority established under the Budapest Treaty. Access to the deposit will be available during pendency of the patent application making reference to the deposit to one determined by the Director to be entitled thereto. Subject to 37 CFR § 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposit will be irrevocably removed upon granting of a patent.

Form PTO-1449 listing documents for the Examiner's consideration is attached. They are U.S. counterparts of foreign patent documents previously submitted, or a U.S. patent documents citing *Rhodococcus erythropolis* NCIMB 11540. A copy of the Int'l Search Report is also attached. As provided by 37 CFR §§ 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all possible material information. Furthermore, no inference should be made that this information or the cited references are prior art merely because they have been submitted for consideration. Consideration of the foregoing and enclosures, as well as the return of a copy of the Form PTO-1449 with the Examiner's initials per M.P.E.P. § 609, are earnestly solicited.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


Gary R. Tanigawa
Reg. No. 43,180

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100